

MINUTES OF SPECIAL MEETING  
MAPLE RIVER WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
JANUARY 5, 2015

The Maple River Water Resource District met on January 5, 2015, at 9:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Rodger Olson, Chairman; Jurgen Suhr, Manager; Gerald Melvin, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Brenda Lovgren, Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Mike Opat, Engineer for the Board; and Pat Downs, Red River Retention Authority.

**Reorganization of the Board for calendar year 2015**

Upon motion duly made by Manager Suhr, seconded by Manager Melvin and unanimously carried, the following officers were appointed for the year 2015:

Rodger Olson	Chairman
Jurgen Suhr	Vice Chairman
Carol Harbeke Lewis	Secretary-Treasurer
Jurgen Suhr	Cass County Joint Water Resource District Alternate 1
Gerald Melvin	Cass County Joint Water Resource District Alternate 2
Rodger Olson	Red River Joint Water Resource District Representative
Gerald Melvin	Red River Joint Water Resource District Alternate Representative

Upon roll call vote, the motion carried unanimously.

**2015 meeting dates**

The Board discussed its regular meeting dates for the year 2015. It was moved by Manager Melvin and seconded by Manager Suhr to adopt the following resolution. Upon roll call vote, the motion carried unanimously.

## RESOLUTION

BE IT RESOLVED, that the Maple River Water Resource District does hereby set the first Thursday of February through March at 9:00 a.m., the first Thursday of April through October at 8:00 a.m., and the first Thursday of November and December at 9:00 a.m. at the Cass County Highway Department, 1201 Main Avenue West, West Fargo, North Dakota, as its regular meeting dates, times and place for the year 2015.

BE IT FURTHER RESOLVED, that the Secretary be and she hereby is directed to forward a copy of said schedule of meetings to the Cass County Auditor and to post said schedule at the Water Resource District's principal office and the location of the scheduled meetings, all in accordance with the provisions of Section 44-04-20 as amended.

APPROVED:

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Rodger Olson  
Chairman

ATTEST:

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Carol Harbeke Lewis  
Secretary-Treasurer

### **Designation of depositories of Maple River Water Resource District public funds**

It was moved by Manager Suhr and seconded by Manager Melvin to designate the following as depositories of Maple River Water Resource District public funds:

Alerus Financial  
Bell State Bank & Trust  
First State Bank of North Dakota (Casselton)

Upon roll call vote, the motion carried unanimously

### **Pledge of Assets**

It was moved by Manager Melvin and seconded by Manager Suhr to approve the following Pledge of Assets:

Alerus Financial (as per agreement of March 7, 1996)

Upon roll call vote, the motion carried unanimously.

### **Review of contract for legal services**

It was moved by Manager Melvin and seconded by Manager Suhr to appoint Ohnstad Twichell, P.C. as legal counsel for the Maple River Water Resource District for calendar year 2015. Upon roll call vote, the motion carried unanimously.

### **Review of contract for engineering services**

Interviews for Engineering Services Selection will be held January 8, 2015, at 9:30 a.m.

### **Minutes**

It was moved by Manager Melvin, seconded by Manager Suhr and unanimously carried to approve the minutes of the December 1, 2014, meeting.

### **Pontiac Township Improvement District No. 73**

It was moved by Manager Melvin and seconded by Manager Suhr to approve payment to Reiner Contracting, Inc. for Contractor's Application for Payment No. 10 regarding Pontiac Township Improvement District No. 73 in the amount of \$13,237.94. Upon roll call vote, the motion carried unanimously.

### **Upper Maple River Dam - update**

Mike Opat reported the State Water Commission continues its review of the construction permit for the Upper Maple River Dam Project. The status of right of way for the project was reviewed.

### **Detention Project Planning Teams**

Detention Project Planning Team members still need to be determined. The area of focus is on the Minnie Lake and Swan Creek areas. Chairman Suhr and Mike Opat will continue efforts to recruit landowners that are willing to participate on the teams.

### **State Water Commission inspection report on Garsteig, Embden and Absaraka Dams**

Moore Engineering, Inc. continues to put a project together that would address concerns outlined in the State Water Commission inspection report on Garsteig, Embden, and Absaraka Dams. The NRCS also inspected the dams to determine qualifications for project assistance.

### **Garstiege-Embden Maintenance District – request from Bob Baumgarten to lower a culvert in the SE 1/4 of Section 29 in Durbin Township**

The Board previously approved 50/50 cost share with the landowner to lower the culvert in the SE 1/4 of Section 29 in Durbin Township, and that the Water Resource District continues to own the culvert. The landowner is currently receiving quotes for the project and will report back to the Board with the cost for approval.

### **Red River Valley & Western Railroad Company construction project on the west side of Davenport**

The Red River Valley & Western Railroad Company would like to construct a railway project on the west side of Davenport. The railroad is requesting assistance with planning

from the Water Resource District. The Board directed Mr. Opat to work with the Red River Valley & Western Railroad Company on the matter.

### **Emergency Action Plan updates**

It was moved by Manager Melvin and seconded by Manager Suhr to authorize Moore Engineering, Inc. to update and reprint the Emergency Action Plans (EAPs) regarding dams within the Maple River Water Resource District boundaries. Upon roll call vote, the motion carried unanimously.

### **Application to Install a Subsurface Drain No. 201419 for Brandon Runck and Madelyne Runck in the NE 1/4 SE 1/4 of Section 27 in Everest Township**

The Board reviewed *Application to Install a Subsurface Drain No. 201419* dated September 8, 2014, for Brandon Runck and Madelyne Runck. The Board reviewed the criteria in Section 89-02-01-09 of the North Dakota Administrative Code and concluded the project does not meet any of the “statewide” elements; therefore, the Board concluded the application does not propose drainage of statewide significance, so the Board has jurisdiction to approve the permit (without forwarding to the Office of the State Engineer to consider and approve). Under the application, Applicants seek to install a drain tile system in the E 1/2 of Section 27 in Everest Township, Cass County, North Dakota. The project will include one pump outlet and four gravity outlets that will all discharge directly into Buffalo Creek.

Because the proposed project will discharge directly into a natural watercourse, the application did not require a *Thirty-Day Notice* under N.D. Cent. Code Section 61-32-03.1, and the Board cannot require Applicants to obtain any flowage easements from downstream landowners. The Board will require Applicants to install and maintain erosion protection in Buffalo Creek to avoid erosion and damages to downstream properties.

According to records on file with the Cass County Recorder’s Office, Brandon Runck owns the NE 1/4 of Section 27, and Clayton and Madelyne Runck own the SE 1/4 subject to a Contract for Deed in favor of Brandon Runck.

It was moved by Manager Suhr and seconded by Manager Melvin to approve *Application to Install a Subsurface Drain No. 201419* dated September 8, 2014, for Brandon Runck and Madelyne Runck in the E 1/2 of Section 27 in Everest Township, subject to the following conditions:

- 1) That Applicants obtain easements from the owner of any land, besides land owned by Applicants, on which Applicants will construct the tile system;
- 2) That Applicants provide and maintain adequate erosion protection at any and all outlets into Buffalo Creek;
- 3) That Applicants notify the Maple River Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;

- 4) That Applicants notify the Maple River Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application;
- 5) That Applicants must close all outlets during flood occurrences or under conditions that may cause adverse impacts to downstream landowners, as determined by the Maple River Water Resource District; and
- 6) That Applicants obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

**Applications to Install a Subsurface Drain No. 201123 for Todd Weber in the S 1/2 of Section 24 in Wheatland Township – update**

Todd Weber recently submitted a request to amend his *Subsurface/Tile Permit No. 201123* dated June 27, 2011. The Board previously approved this permit on September 2, 2011. Under Permit No. 201123, the Board approved a specific tile discharge flow path and approved the permit with the following project description.

The tile project in the S 1/2 of Section 24 in Wheatland Township, Cass County, North Dakota will include a gravity outlet that will discharge into the SW 1/4 of Section 19 in Casselton Township. The project will include buried pipeline in a portion of the SW 1/4 of Section 19; at some point, the project will discharge from the buried pipeline and will flow east across a portion of the SW 1/4 of Section 19 and a portion of the W 1/2 of the SE 1/4 of Section 19 until the discharge reaches a natural waterway in the W 1/2 of the SE 1/4 of Section 19.

According to records on file with the Cass County Recorder's office, Applicant owns the S 1/2 of Section 24 along with Jim Wieland. Further, Kenneth Hanson owns the SW 1/4 of Section 19, and Nancy McLaughlin owns the W 1/2 SE 1/4 of Section 19.

Rick Kensok previously submitted a Drainage Complaint against Mr. Weber regarding this project. In his Complaint, Mr. Kensok noted that Mr. Weber's tile permit did not match the project description approved by the Maple River Water Resource District. Fortunately, the parties amicably resolved that situation and Mr. Kensok withdrew his Complaint. Mr. Weber subsequently requested an amendment to the permit to include a pump outlet as opposed to the gravity outlet originally proposed.

It was moved by Manager Melvin and seconded by Manager Suhr to approve an amendment to the Board's previous approval of *Application to Install a Subsurface Drain No. 201123* dated June 27, 2011, for Todd Weber in the S 1/2 of Section 24 in Wheatland Township, subject to the following conditions:

- 1) That Applicant obtain and record (with the Cass County Recorder's office) flowage easements (and not just written consents), including

language that permits saline water, from the owners of the following parcels in Casselton Township, Cass County, North Dakota:

- a. The SW 1/4 of Section 19; and
  - b. The W 1/2 SE 1/4 of Section 19.
- 2) That Applicant obtain an easement from the owner of the SW 1/4 of Section 19 in Casselton Township to bury pipeline in a portion of the SW 1/4 of Section 19;
  - 3) That Applicant obtain easements from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system;
  - 4) That Applicant notify the Maple River Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application;
  - 5) That Applicant must close all outlets during flood occurrences or under conditions that may cause adverse impacts to downstream landowners, as determined by the Maple River Water Resource District; and
  - 6) That Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

**Request for Drainage on Highway Right of Way for Goltz Farms LLC to outlet drain tile into the west State Highway 18 ditch along the east side of Section 33 in Leonard Township (regarding Application to Install a Subsurface Drain No. 201213)**

It was moved by Manager Suhr and seconded by Manager Melvin to approve the *Request for Drainage on Highway Right of Way* for Goltz Farms LLC to outlet drain tile into the west State Highway 18 ditch along the east side of Section 33 in Leonard Township (regarding *Application to Install a Subsurface Drain No. 201213*). Upon roll call vote, the motion carried unanimously.

**Request for Drainage on Highway Right of Way for Jack Kensok, Western Trust and Goltz Farms LLC to outlet drain tile into the south ditch of I-94 in the northeast corner of the NE 1/4 of Section 11 in Gill Township (regarding Application to Install a Subsurface Drain No. 201416)**

It was moved by Manager Suhr and seconded by Manager Melvin to approve the *Request for Drainage on Highway Right of Way* for Jack Kensok, Western Trust and Goltz Farms LLC to outlet drain tile into the south ditch of I-94 in the northeast corner of the NE 1/4 of Section 11 in Gill Township (regarding *Application to Install a Subsurface Drain No. 201416*). Upon roll call vote, the motion carried unanimously.

**Bills**

It was moved by Manager Melvin and seconded by Manager Suhr to approve the payment of Checks #5331 through #5340, and the electronic funds transfers, as presented. Upon roll call vote, the following Managers voted in favor: Olson, Suhr, and Melvin. The Chairman declared the motion passed.

**Adjournment**

There being no further business for the Board to consider, it was moved by Manager Melvin, seconded by Manager Suhr and unanimously carried to adjourn the meeting.

APPROVED:

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Rodger Olson  
Chairman

ATTEST:

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Carol Harbeke Lewis  
Secretary-Treasurer